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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,649	07/23/2003	Robert R. Ricci	FS-00790	6899
7055	7590	10/21/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HESS, DOUGLAS A	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,649	RICCI ET AL.	
	Examiner	Art Unit	
	Douglas A. Hess	3651	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 August 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 July 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 7/23/03.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: Hasegawa (3 Sheets), Carlson (1 sheet)

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, *the rotatable platform of claim 5 must be shown or the feature(s) canceled from the claim(s)*. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: *123A, (it appears 122A should be changed to 123A on drawing figure 2 to correspond with the specification.*

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. *The following is a quotation of the first paragraph of 35 U.S.C. 112:*

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. *The specification and the drawings do not provide enough detail as to how the tilt head 124 is pivotally connected to the pallet lift 123. The current drawing figures show the lift head 124 above and unattached to the platform. Secondly the specification and drawings do not provide any level of detail as to how the separation conveyor 127 moves into the separation space at the platform 123.* These features are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8, 11, 13-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa (US Pat. No. 5,222,857).

See the attached marked up drawing sheets: 2 of 6, 4 of 6, and 5 of 6 of Hasegawa depicting the claimed features.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa in view of Teegarden et al. (US Pat. No. 5,427,252).

Hasegawa teaches the claimed invention as outlined above, except for the generic bar code reader and optical recognition system of claim 7. Teegarden et al. teach the use of a bar code reader and optical recognition system in his sorting and stacking device. It would have been obvious to one or ordinary skill in the art at the time the invention was made to provide the bar code and reader system of Teegarden into the device of Hasegawa in order to further provide routing details for the bundles as they leave the Hasegawa and go further downstream.

10. Claims 9, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa in view of Carlson (US Pat. No. 4,119,219). *(see attached cover sheet of Carlson)*

Hasegawa teaches the claimed invention as outlined above, except for the generic diverter and distribution conveyor of claims 9 and 17. Carlson teaches the use of a diverter leading to two distribution conveyors, one distribution conveyor being orthogonal to the main conveyor in his sorting device. It would have been obvious to one or ordinary skill in the art at the time the invention was made to provide the diverter and distribution conveyors of Carlson at the end of the device of Hasegawa in order to further provide detailed distribution for the bundles as they leave the Hasegawa and go further downstream.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

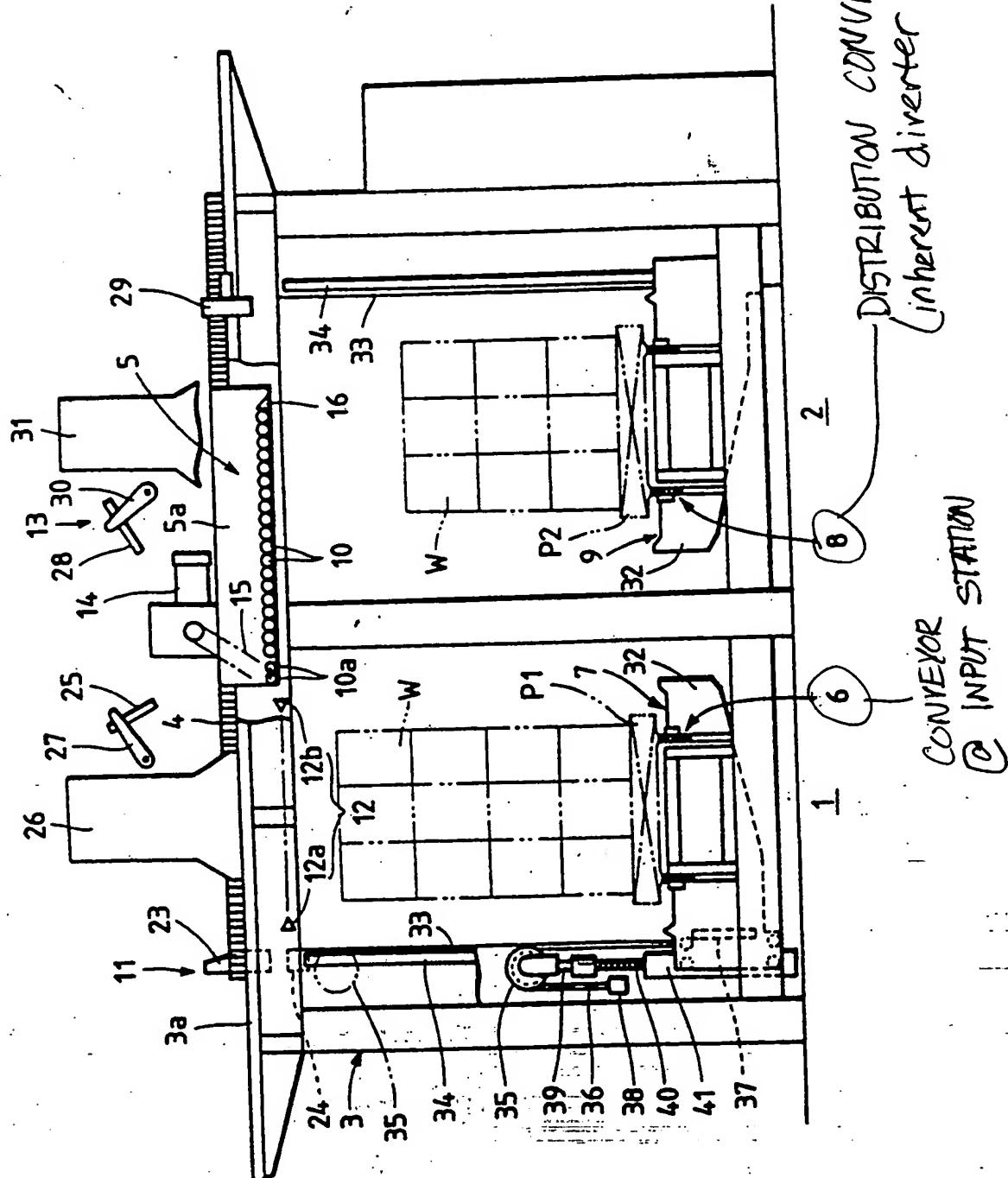


Douglas A Hess
Primary Examiner
Art Unit 3651
10/12/05

DAH
October 12, 2005

HASEGAWA

FIG. 2



HASEGAWA

U.S. Patent

June 29, 1993

Sheet 4 of 6

5,222,857

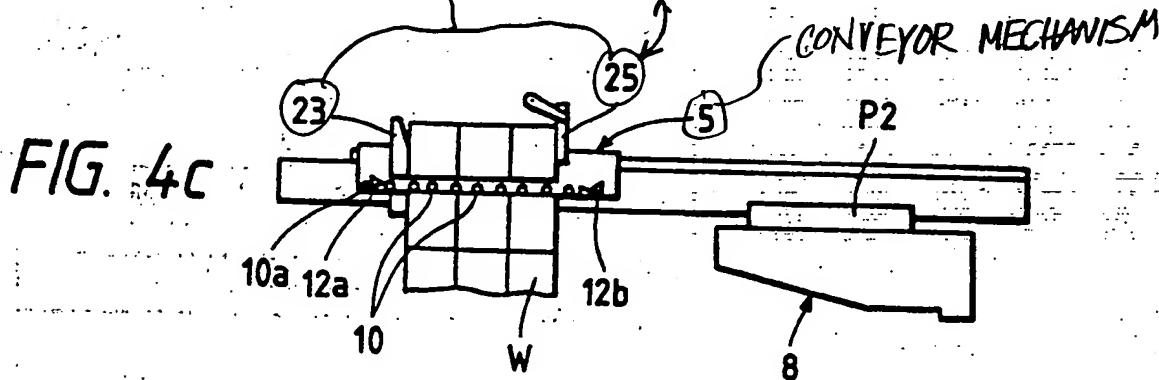
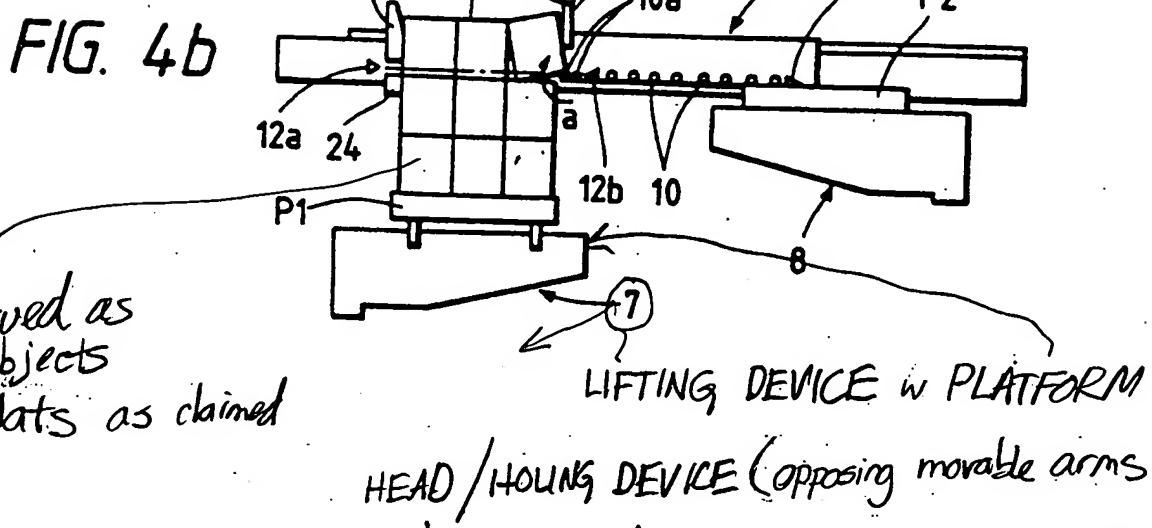
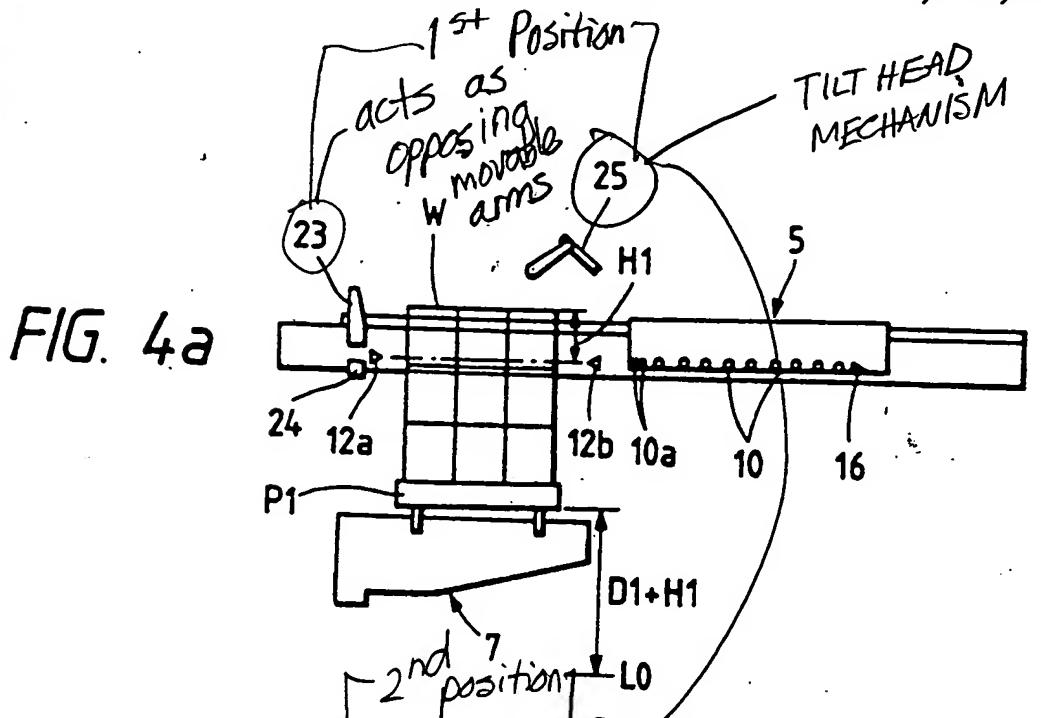
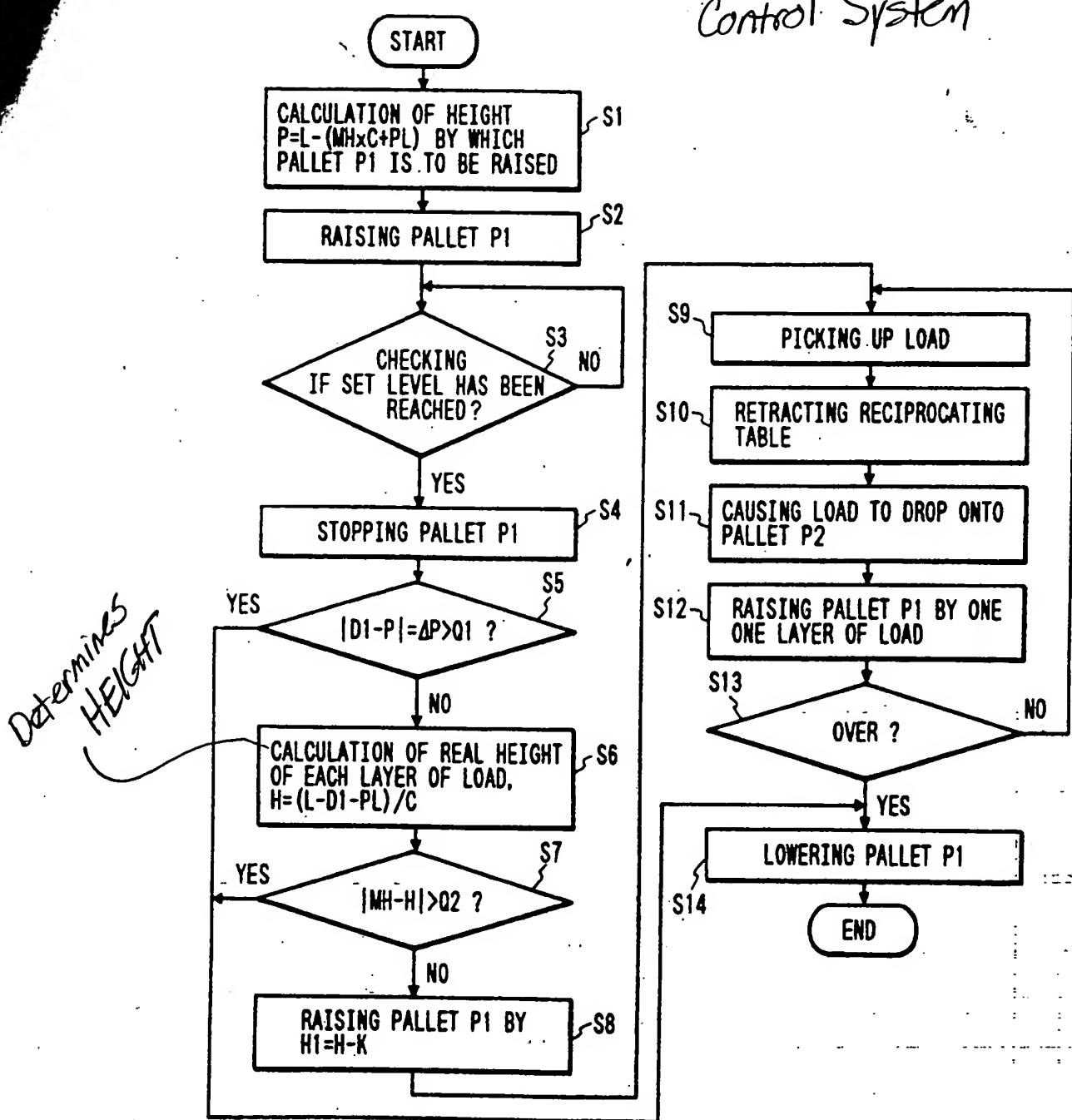


FIG. 5

Control System



United States Patent [19]

Carlson

[11] 3,937,336
[45] Feb. 10, 1976

[54] PALLETIZING AND DEPALLETIZING APPARATUS FOR SUPPLEMENTAL FEED

[76] Inventor: Kenneth G. Carlson, 11350 N. Valley Drive, 18 W., Mequon, Wis. 53092

[22] Filed: Oct. 23, 1974

[21] Appl. No.: 517,263

[52] U.S. CL..... 214/6 P; 214/6 N; 214/6 TS; 214/8.5 A; 214/8.5 F

[51] Int. CL²..... B65G 60/00

[58] Field of Search..... 214/6 P, 6 N, 6 F, 6 TS, 214/8.5 A, 8.5 F; 198/235

[56] References Cited

UNITED STATES PATENTS

2,508,861	5/1950	Jessen.....	214/6 P X
2,774,489	12/1956	Guigas.....	214/6 H
2,949,179	8/1960	Busse.....	214/6 N X
3,442,401	5/1969	Wolfe et al.....	214/6 P
3,770,143	11/1973	Breitbach.....	214/8.5 A X
3,788,497	1/1974	Carlson.....	214/6 P
3,865,258	2/1975	Müller.....	214/6 P X

Primary Examiner—Robert J. Spar

Assistant Examiner—Leslie J. Paperner

Attorney, Agent, or Firm—Wheeler, Morsell, House & Fuller

[57] ABSTRACT

A conveying system for conveying cans from a can-making machine to a can-filling machine includes a first conveyor to supply cans from the can-making machine to the filling machine and a second conveyor or supplemental feed conveyor at right angles with a first conveyor to convey excess cans made by the can-making machine to a palletizing apparatus which includes pattern-forming means and a pallet elevator. When the flow of cans exceeds the requirements of the can-filling machine, the cans are diverted from the can-filling machine, patterned, and palletized in layers in the pallet elevator. When the can-making machine is not supplying the requirements of the can-filling machine, or the can-making machine is shut down, stored cans are depalletized and conveyed onto the first conveyor. If the making machine is operating slower than the requirements of the filling machine, the second conveyor provides a supplemental feed of cans to the first conveyor. A sensor in the flow path to the filling machine senses a lack of movement of cans to the filling machine and thus an adequate supply of cans to the filling machine to actuate a gate to divert cans to the supplemental feed conveyor for palletizing and storage to thus enable continuous running of both the can-making and can-filling machines.

4 Claims, 10 Drawing Figures

